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10/597,180	07/14/2006	Matthew P. Burdzy	LC-519/PCT/US	7258
31217	7590	12/10/2009	EXAMINER	
Loctite Corporation One Henkel Way Rocky Hill, CT 06067			MICALI, JOSEPH	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION (*continued*)

The request for reconsideration has been considered but does NOT place the application in condition for allowance because: applicant has not made any amendments to the claims since prior to examiner issuing a final rejection. Furthermore, applicant presents argumentation which will be addressed below.

Response to Arguments

1. Applicant's arguments filed November 20th, 2009 have been fully considered but they are not persuasive.

Applicant's argumentation against the prior art of record (Deviny) begins on pg. 3 of the response.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the suggestion or motivation for doing so would have been to provide a sufficient means for curing and setting the adhesive resin between the flow plates of Schmid and thus effectively seal the fuel cell as desired by Schmid, and that further, one of ordinary skill in the art of using methacrylate sealants would have found the combination of a methacrylate with a boron initiator to have been an obvious combination for curing and setting the methacrylate

Art Unit: 1793

adhesive and selection of any combination of materials for such purpose would have been readily apparent to one of ordinary skill in cured methacrylate adhesives.

With regards to a lack of predictability and reasonable expectation of success, applicant describes the invention of Deviny (i.e. Deviny's boron initiators) and asserts that one of ordinary skill would not use such a teaching given that fuel cells are expensive and that one would strive to maximize the life of a fuel cell. Firstly, examiner maintains usage of Deviny, as applicant has failed to prove that (a) the reference does not read upon the breadth of the current claim language, (b) Deviny does not show the amines being sufficiently bonded to the decomplexer and thus able to poison a fuel cell (paragraph 0047), and (c) one having ordinary skill would not seek out such a reference, as applicant's argument of fuel cells being expensive and that one would want to maximize the life of a fuel cell is not convincing enough to negate the combination of Deviny with Schmid. Applicant even admits that fuel cell seals are a known source of fuel cell contaminants; thus, one having ordinary skill in the art would be expecting such a result.

Essentially, applicant's argumentation is drawn to a "teaching away" argument. With regards to such, "teaching away" is not an issue here, as "teaching away" is defined as a reference that suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant. Essentially, "teaching away" does not work here, as the reference of Deviny is sufficiently aligned with the Schmid reference as well as the current invention and there is not an adequate amount of evidence to support the notion that the teaching of Deviny would not work with the invention of Schmid and of the applicant.

Art Unit: 1793

Finally, examiner would like to make note of applicant's specification, specifically paragraph 0008. Applicant states that, "useful boron-containing initiators include alkyl borohydrides (such as metal and **ammonium** alkyl borohydrides), complexes of organoborane and **polyaziridine**, and complexes of trialkyl borane or alkyl cycloalkyl borane and **amine** compounds.

/J.A. LORENZO/

Supervisory Patent Examiner, Art Unit 1793